

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-503-C - ORDER NO. 94-725 ✓
JULY 21, 1994

IN RE: Review of the Earnings, Rate of Return,)	ORDER RULING
and Rates of Southern Bell Telephone &)	ON PROCEDURAL
Telegraph Company.)	MATTERS
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the necessity to rule on a number of procedural matters in this Docket, which heretofore had combined the investigation of the level of earnings of Southern Bell Telephone & Telegraph Company (Southern Bell or the Company), and a Petition to Reinstate Incentive Regulation from that Company.

First, pursuant to our Order No. 94-486, dated May 26, 1994 in this Docket, this Commission granted the Motion of Southern Bell to consolidate the earnings review with the Petition to Reinstate Incentive Regulation, finding that there were a number of issues common to both earnings and incentive regulation. We did, however, in that Order, reserve the right to sever the issues at a later date, if we found it appropriate to so do. We have now considered this matter, and believe that management of the combined Dockets has become very unwieldy and complex from an administrative standpoint, and that the detrimental effects of

consolidating the Dockets has outweighed the benefits. We therefore believe that the earnings and incentive regulation issues should be severed and placed into separate Dockets, and we so hereby Order. Separate proceedings shall result therefrom. However, we do believe that all parties to the earnings Docket, Docket No. 93-503-C, should be made parties to the incentive regulation Docket, which shall hereinafter be denominated as 94-289-C, and we do hereby Order that this be done.

We also find that the Petition for Reconsideration of the South Carolina Cable Television Association (SCCTA), held in abeyance by our Order No. 94-622, dated June 28, 1994, is rendered moot by this severance of the earnings and incentive regulation matters into separate Dockets.

SCCTA has filed three (3) additional Motions for consideration. The first Motion is a Motion to Compel answers to discovery. The second Motion is a Motion to Dismiss the Incentive Regulation Petition of Southern Bell. Per our Order No. 94-622, dated June 28, 1994, we found that SCCTA's Motion to Make More Definite and Certain in this Docket should be set for oral arguments, due to the extreme complexity of these issues. We find that the Motion to Compel and Motion to Dismiss are related to the Motion to Make More Definite and Certain in subject matter, and present similar complexities as seen with the Motion to Make More Definite and Certain. Therefore, we hold that the Motion to Dismiss and Motion to Compel shall be scheduled for oral argument, along with the Motion to Make More Definite and Certain.

We do note with interest that SCCTA's Interrogatory No. 1-12 asks for the identity of any witnesses to be presented by Southern Bell in its case. We do hereby Order Southern Bell to make known the identities of such witnesses to SCCTA and other requesting parties when the identities of such witnesses are known to Southern Bell.

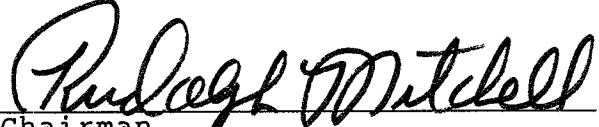
SCCTA has also moved to amend the pre-filed testimony dates. In that Motion, SCCTA notes that in a Commission initiated proceeding, the Commission Staff normally pre-files testimony and presents testimony first, that a Respondent such as Southern Bell, pre-files and presents testimony second, and that any other parties should pre-file and present testimony following Southern Bell, so that the other parties would have a chance to respond to Southern Bell's testimony.

Our Regulation 103-866 does state that upon an investigation initiated by the Commission or by Staff on Motion of the Commission, evidence in a formal proceeding will ordinarily be received in the following order: (1) Commission Staff, (2) Respondent, and (3) other parties. We therefore agree in principle with SCCTA's Motion to Amend the Pre-Filed Testimony Dates, and hold that the previously issued pre-filed testimony schedule shall be amended to the following schedule: Staff shall file testimony on July 25, 1994; Southern Bell shall pre-file testimony on August 8, 1994; and other parties shall pre-file testimony on August 15, 1994. Testimony due on August 8, 1994 and August 15, 1994 shall be delivered to all parties prior to the

close of business on those dates, and to a representative of the parties located in Columbia. Further, we believe, in fairness, that Southern Bell should be allowed to respond to other parties testimony through supplemental testimony to be filed at a later date, if it wishes to do so. Further, should the Respondent, Southern Bell, file discovery on the other parties subsequent to other parties filing testimony, such discovery must be responded to by the close of business on August 19, 1994.

We believe that these procedural rulings are in the interest of administrative economy and are in the public interest, and will allow all parties fair treatment with regards to the pre-filing of testimony, and other procedural issues before the Commission. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)